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Department of State

TELEGRAM

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CONFIDENTIAL

PAGE 01 SAIGON 07292 301723Z

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C O N F I D E N T I A L SAIGON 7292

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SUBJECT: VALIDATION OF PRESIDENTIAL ELECTIONS

1. AS DEPARTMENT AWARE, CENTRAL ELECTION COUNCIL DID NOT UPHOLD ANY OF THE COMPLAINTS IT REVIEWED IN SOME CASES BECAUSE IT LACKED SUFFICIENT EVIDENCE OR IN OTHERS BECAUSE IT FELT COMPLAINTS DEALT WITH SUBJECTS OUTSIDE OF ITS JURISDICTION. COUNCIL'S REPORT, DATED SEPTEMBER 21 AND SIGNED BY CHAIRMAN OF SUPREME COURT OF APPEALS AND ALL OTHER MEMBERS OF CENTRAL ELECTION COUNCIL EXCEPT DEPUTY DO AI, IS DETAILED 46-PAGE EXAMINATION OF EACH COMPLAINT. WE DO NOT PLAN TO SUBMIT FULL TRANSLATION OF REPORT. HOWEVER, QUOTED BELOW IS TRANSLATION OF ITS CONCLUSION:

PAGE 2 RUMJIR 7292 C O N F I D E N T I A L

QUOTE

ARTICLE 16 OF LAW NO. 1/67 DATED 15 JUNE 1967 ESTABLISHED THE COUNCIL WITH THE DUTY OF WRITING A REPORT TO BE SENT TO

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DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY [signature] DATE: 12/23/81
PCS ☐ or XDS ☐ EXT. DATE
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E.O. EXEMPTIONS ☐
DECLASSIFIED ☑ RELEASABLE ☑
RELEASE DENIED ☐
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CONFIDENTIAL

Department of State TELEGRAM

CONFIDENTIAL

PAGE 02 SAIGON 07292 301723Z

THE NATIONAL ASSEMBLY CONCERNING THE VARIOUS COMPLAINTS RELATING TO THE QUALIFICATION OF THE CONDIDATES AND THE VARIOUS COMPLAINTS CONCERNING THE ELECTIONS.

IN THE COMPLAINT PETITIONS RECEIVED BY THE NATIONAL

ASSEMBLY AND FORWARDED, THE COUNCIL NOTED THAT THERE WERE MANY MATTERS NOT BELONGING TO THE COMPETENCE OF THE COUNCIL.

REGARDING THESE VARIOUS COMPLAINTS, THE COUNCIL RECORDED THE RECEIPT OF MANY EXPLANATIONS BY THE CONCERNED CAPITAL CITY, PROVINCE, OR CITY SO THAT THE NATIONAL ASSEMBLY MIGHT HAVE ADDITIONAL JUDGMENT FACTORS IF NEEDED.

IN PARTICULAR, REGARDING THE VARIOUS COMPLAINTS BELONGING TO THE JUDGMENT CO
PETENCE OF THE COUNCIL (THE COMPLAINTS
REGARGVJR
DQNT?=8"ONS), THE COUNCIL IN CHECKING OUT THE VARIOUS COMPLAINT FILES, NOTED THAT NO REPORTS WERE PRODUCED BASED ON EVIDENCE TO ENABLE THE COUNCIL TO CONFIRM THE VARIOUS VIOLATIONS WHICH HAD BEEN RAISED.

UNQUOTE

PAGE 3 RUMJIR 7292 C O N F I D E N T I A L

2. WE WISH TO INVITE DEPARTMENT'S ATTENTION TO ARTICLE 56 OF PRESIDENTIAL ELECTION LAW WHICH STATES THAT ASSEMBLY CAN ANNUL ENTIRE ELECTION "IF IT FINDS THAT IRREGULARITIES CONFIRMED BY THE CENTRAL ELECTION COUNCIL OR BY A RULING OF COURT COULD OPEN TO QUESTION THE HONESTY OF THE VOTING AND AFFET THE GENERAL RESULTS OF THE ELECTION." CENTRAL ELECTION COUNCIL HAS OF COURSE NOT CONFIRMED ANY IRREGULARITIES NOR HAS ANY SOURCE BROUGHT TO OUR ATTENTION IRREGULARITIES CONFIRMED BY A COURT RULING.

3. MANY DEPUTIES WOULD ARGUE THAT CERTAIN ARTICLES OF CONSTITUTION AS WELL AS ELECTION LAW OVERRIDE ARTICLE 56.

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Department of State TELEGRAM

CONFIDENTIAL

PAGE 03 SAIGON 07292 301723Z

FOR EXAMPLE, IN HIS OPEING REMARKS TO NATIONAL ASSEMOLY MORNING SEPTEMBER 30, SPECIAL COMMITTEE CHAIRMAN STATED "ACCORDING TO ARTICLES 54 AND 113 OF THE CONSTITUTION AND ARTICLE 50 OF THE PRESIDENTIAL ELECTION LAW, THE NATIONL ASSEMBLY IS NOT BOUND BY THE DECISIONS OF THE CENTRAL ELECTION COUNCIL. INSTEAD, THE ASSEMBLY HAS FULL AUTHORITY TO REACH ITS OWN DECISION...."

4. WE PLAN TO CALL PROVISIONS OF ARTICLE 56 TO THE ATTENTION OF GENERAL THIEU JUST IN CASE HE HAS OVERLOOKED IT. WE ALSO PLAN TO BRING PROVISIONS THIS ARTICLE TO ATTENTION OF APPROPRIATE MEMBERS OF THE PRESS ON DISCREET, BACKGROUND BASIS.

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